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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,739	02/06/2004	Anthony H. Gonzalez	GONZ01DV1	8609
23892	7590	09/09/2004	EXAMINER	
DAVID S ALAVI			CINTINS, IVARS C	
3762 WEST 11TH AVENUE			ART UNIT	
#408			PAPER NUMBER	
EUGENE, OR 97402			1724	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S.C.

Office Action Summary	Application No.	Applicant(s)	
	10/773,739	GONZALEZ ET AL.	
	Examiner	Art Unit	
	Ivars C. Cintins	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1724

Claims 5-8 are objected to because claim 5 ends with a comma instead of a period.

Claims 6-8 depend from claim 5, and therefore suffer similarly. Applicant is advised that an amendment changing the comma at the end of claim 5 to a period would overcome this objection.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenach (U.S. Patent No. 5,447,642) in view of the Davis et al. publication entitled "Metals Handbook Ninth Edition Volume 16 Machining," further in view of Goodrich et al. (U.S. Patent No. 4,871,450). Schenach discloses an apparatus for purifying a metal working fluid, which apparatus comprises a heating vessel with a heater and an agitator (see col. 5, lines 20-36), and a holding vessel for receiving the treated fluid (see col. 6, lines 3-4). Accordingly, this primary reference discloses the claimed invention with the exception of the recited aerator and air filter. The Davis et al. publication teaches purifying a metal working fluid with a variety of purification treatments, including aeration (see page 129, rightmost column, third full paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Schenach with an aerator, as suggested by the Davis et al. publication, in order to further purify the metal working fluid undergoing treatment in this primary reference system. Furthermore, Goodrich et al. teaches aerating a liquid and then passing the air from the treatment vessel through a filter of the type recited (see col. 4, lines 54-57; and col. 5, lines 25-

Art Unit: 1724

27); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the modified primary reference system with a filter of the type disclosed by Goodrich et al., in order to prevent contamination of the surrounding air environment in this modified primary reference system.

Claims 1 and 2 are allowed because the references of record do not teach or fairly suggest an apparatus having a heating vessel, a heater, an agitator, an aerator, and a holding vessel of the type recited; further including a de-mister constructed and arranged such that air can flow out of the heating vessel through the de-mister.

Claims 5-8 would also be allowed if amended to overcome the above noted objection because the references of record do not teach or fairly suggest an apparatus having a heating vessel, a heater, an agitator, an aerator, and a holding vessel of the type recited; further including an ion exchange filter connected to at least one of the heating vessel and the holding vessel, which ion exchange filter is capable of reducing the concentration of a metal in a metal working fluid.

Brandt et al. (U.S. Patent No. 4,865,724) and Fortier (U.S. Patent No. 5,948,244) disclose similar systems for purifying metal working fluids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
September 4, 2004